THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13347 of 2007

Dated: 26-06-2007

Between:

Chalamcherla Gram Panchayat, rep.by its Sarpanch,
Kavali Mandal, Nellore District.

..... PETITIONER

AND

The District Collector (Panchayat Wing), Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13347 of 2007

ORDER:

Chalamcherla Gram Panchayat, Nellore District, filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in laying cement road in the street towards the east of Rachabanda of Chalamcherla Village, Kavali Mandal, Nellore District, against the resolution dated 21.06.2007 as arbitrary and illegal.

The case of the petitioner Gram Panchayat, briefly stated, is as follows. The formation of cement roads in the petitioner Gram Panchayat is under the control of the respondents and respondent No.7 is the executing authority. The Panchayat Raj Department released funds under Sampoorna Grameen Rozgar Yojana (SGRY) Scheme for formation of cement roads to the level of 90 meters in the petitioner Gram Panchayat. Respondent No.7 thereafter initiated steps for construction of cement road in the street towards east of Rachabanda to an extent of 160 meters. The petitioner Gram Panchayat alleges that the road on both sides has been encroached upon and there are no drainage canals on the side of the road. The grievance of the petitioner Gram Panchayat is that if the road is formed as per the specifications, the rainwater gets stagnated in the houses on the street in question. Therefore, the petitioner Gram Panchayat conducted emergency meeting on 21.06.2007 and passed a resolution requesting for diversion of the funds released to it for laying of any of cement roads i.e., (1) main road near Chennakeshava Swamy Temple, (2) Gurram Venkata Subbaiah, Malyadri Vari street and (3) Rice Mill Street. In spite of the same, the respondents are proceeding with laying of the road as alleged and therefore, instant writ petition is filed.

After hearing the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development, this Court is of the considered opinion that the issue raised herein is not justiciable. Whether which road should be taken on priority basis and whether taking up of laying of cement road at Rachabanda street results in stagnation of rainwater due to the encroachments and due to non-construction of side canals are all matters which are for the executive to decide. The petitioner Gram Panchayat has to approach the District Panchayat Officer or the District Collector for necessary redressal. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th June, 2007
ghn